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EXAMINER

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 15

Application Number: 09/338,744
Filing Date: June 23, 1999
Appellant(s): WHITE, JAY PAUL

G. Roger Lee
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 8-13-01.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 19,22 and 25-35 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct. However, it is noted that in claim 19, line 2 and claim 33, line 3, the phrase "such as" was improperly used, and should be corrected at the appropriate time.

(9) *Prior Art of Record*

5,563,607	LOOMIS ET AL.	10-1996
5,751,246	HERTEL	5-1998

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 19, 22 and 25-35 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 10.

(11) *Response to Argument*

Arguments:

1. Appellant argues that Loomis teaches nothing that would suggest applying its GPS methods to a warehouse or other storage facility in which items are stored in defined storage locations, and it is only with the 20/20 hindsight effort that the combination of Loomis et al. and Hertel teach the invention.

2. Appellant argues that Loomis fails to teach the use of a bar code scanner, and fails to teach with sufficient definiteness the use of a bar code symbol to identify the items being stored.

3. Appellant argues that Loomis teaches nothing about associating in a database the GPS information and items being stored, and that asserting that the use of a database would be necessary is not enough to make out a case of obviousness.

4. Appellant argues that neither Loomis or Hertel teach combining in the same device, both a GPS transceiver and a bar code scanner.

Response:

1. It is the examiner's interpretation that Loomis teaches that the assets could be located at any location, whether it be "defined storage locations" or "undefined storage locations". The argument that although Loomis clearly states "asset management" and "inventory management", he fails to specify shelves and bins, is not persuasive since these articles to be monitored would have to be located somewhere in the building. And therefore, if the article is on the floor or shelf of a room, its location and identity could be monitored. Instead of making the 103 rejection to state that any storage location could include different types of shelves or bins, a secondary reference Hertel, was used to further illustrate that such locations for monitoring tagged items are commonly known. Therefore, it is not believed that impermissible hindsight was used to make the rejection.

2. Loomis clearly states that a bar code reader could be incorporated into the GPS system (note col.7 lines 42-47). The argument that Loomis fails to teach with sufficient

definiteness the use of a bar code symbol to identify the items being stored is not persuasive since Loomis does state that the identity of the item as well as the location of the item would be tagged (note col.7 lines 7-15 and 42-47). When the examiner pointed out that applicant stated that bar code readers were conventionally known in the art, this was not to say that Loomis doesn't teach GPS and bar code scanning. The examiner was only attempting to explain that as far as the specifics of bar code readers, no further discussion was necessary since, as applicant pointed out, bar code readers are well known. It is believed that Loomis does teach that the GPS unit would be connected to the bar code reader, and therefore teaches the combination of a GPS and bar code scanning.

3. Appellant's argument that Loomis teaches nothing about associating in a database the GPS information is not persuasive since Loomis does state that the information of the tagged item is "stored" in a memory device of a processor (note Figure 6 and col.7 lines 13-15 and 42-47). Since this tagged information would include the data input from the bar code reader, the examiner made the assertion that the processor, which includes memory, would "store" the GPS information, as well as the identifying data from the bar code reader, and therefore does teach the use of a database to store position and location information.


4. Appellant states that Loomis is vague in that it cannot be ascertained whether the bar code sensor is combined with the GPS receiver and whether the bar code reader is used to identify the item being stored. It is the examiner's interpretation that the disclosure of Loomis clearly states that the unit would store the location and

identification of each item tagged and that a bar code reader is connected to the device and further states that both, identifying data and location data are stored (note Loomis on col.7 lines 13-16, which states "the unit stores the necessary fix data, along with any other data of interest, such as an instrument reading or identification of an article tagged". Also, note Loomis on col.7 lines 42-47, which states that the data input is included with the time and location tag). Therefore, Appellant's argument that neither Loomis or Hertel teach combining in the same device both a GPS transceiver and a bar code scanner is not persuasive since the combination of Loomis and Hertel does teach both position information, as well as a bar code scanner, for determining the identity of the item to be stored.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

Edward Lefkowitz
November 15, 2001

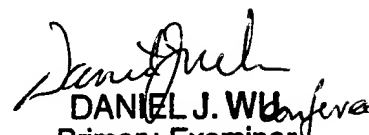


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